



House of Representatives

General Assembly

File No. 275

January Session, 2011

House Bill No. 6313

House of Representatives, March 29, 2011

The Committee on Judiciary reported through REP. FOX of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING INTENSIVE PROBATION SUPERVISION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective April 1, 2011*) (a) Probation officers shall
2 provide intensive pretrial supervision services, in accordance with
3 guidelines developed by the Court Support Services Division,
4 whenever ordered to do so by the court.

5 (b) Probation officers shall complete alternative sentencing plans, in
6 accordance with guidelines developed by the Court Support Services
7 Division, for persons who have entered into a stated plea agreement
8 that includes a term of imprisonment of two years or less, whenever
9 ordered to do so by the court.

10 (c) Probation officers may evaluate persons sentenced to a term of
11 imprisonment of two years or less who have been confined under such
12 sentence for at least ninety days and have complied with institutional
13 rules and necessary treatment programs of the Department of
14 Correction, and may develop a community release plan for such

15 persons in accordance with guidelines developed by the Court Support
16 Services Division. If a probation officer develops a community release
17 plan, the probation officer shall apply for a sentence modification
18 hearing under section 53a-39 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>April 1, 2011</i>	New section
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Correction, Dept.	GF - Savings	3.0 million	14.2 million
Judicial Dpt (Probation)	GF - Cost	4.2 million	7.0 million
Comptroller Misc. Accounts (Fringe Benefits)	GF - Net Cost/Savings	.14 million	.21 million

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would create an Intensive Probation Supervision Unit within the Judicial Department.

Department of Correction Savings

An estimated 1,100 inmates will be diverted from incarceration due to implementing the Intensive Probation Supervision program. The Department of Correction (DOC) will experience savings from reduced overtime, as well as averted inmate medical care and other expenses of incarceration (clothing, food, living supplies, personal hygiene). Total state savings, detailed below, are projected at approximately \$3.2 million in FY 12, reflecting partial year implementation.

<u>Item</u>	<u>FY 12 Savings, in millions*</u>
Overtime	\$ 2.3
Inmate Medical Services	0.3
Other Expenses	0.3
TOTAL - DOC	\$ 3.0
<i>Fringe Benefits</i>	0.2
TOTAL	\$ 3.2

*numbers may not add due to rounding

Savings will increase to approximately \$15.0 million in FY 13 (\$14.2 million DOC; \$0.8 million fringe benefits) as the program continues to be phased in.

Judicial Department Costs

The bill would result in a cost to the Judicial Department of \$4.5 million in FY 12 and \$7.6 million in FY 13 to support 40 Intensive Supervision Probation officers, 10 administrative staff and housing and employment support and mental health services for diverted offenders. The costs to the Judicial Department for the creation of the Intensive Probation Supervision Unit are outlined in the charts below.

FY 12 Judicial Department Costs

FY 12 Costs	Number of Positions	Personal Services Costs	Fringe Costs	Total Programming Cost	TOTAL
Probation Officer	35	\$1,316,359	\$234,575		\$1,550,934
Administrative	10	\$ 306,645	\$ 54,644		\$ 361,289
Chief Probation	5	\$ 292,050	\$ 52,043		\$ 344,093
AIC ¹ Program	-	-	-	\$ 2,250,000	\$2,250,000
Total Costs	50	\$1,915,054	\$341,263	\$ 2,250,000	\$4,506,316

FY 13 Judicial Department Costs

FY 13 Costs	Number of Positions	Personal Services Costs	Fringe Costs	Total Programming Cost	TOTAL
Probation Officer	35	\$1,755,145	\$417,022		\$2,172,167
Administrative	10	\$ 408,860	\$ 97,145		\$ 506,005
Chief Probation	5	\$ 389,400	\$ 92,521		\$ 481,921
AIC ¹ Program	-	\$ -	\$ -	\$ 4,500,000	\$4,500,000
Total Costs	50	\$2,553,405	\$606,689	\$ 4,500,000	\$7,660,094

It is assumed that in FY 12, personnel will not be hired until September 1, 2011, and will require $\frac{3}{4}$ year funding to the Judicial

¹ Alternative to Incarceration Program

Department. It is also assumed that the program will begin operating by December 1, 2011, and will require ½ year funding for the Alternative to Incarceration program to divert eligible offenders. This will result in a total FY 12 cost of \$4.5 million. The program will be fully functioning by FY 13, and will result in a full year cost of \$7.6 million.

The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated non-pension fringe benefit cost associated with personnel changes is 23.76% of payroll in FY 12 and FY 13. In addition, there could be an impact to potential liability for the applicable state pension funds.

Background

PA 10-179 (the FY 11 revised budget act) provided \$1.3 million to the Judicial Department for the creation of Intensive Probation Supervision Units (IPSU's), effective April 1, 2011. The IPSU's are expected to target certain offenders that can be supervised safely in the community and receive housing and employment support and mental health services in an effort to divert them from incarceration. These offenders include incarcerated pre-trial defendants, convicted offenders with plea agreements for jail sentences of two years or less and incarcerated offenders serving sentences of more than 90 days but less than two years.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

When fully annualized in FY 14, the savings due to a reduced inmate population are estimated at \$16.2 million (\$15.3 million DOC; \$0.9 million fringe benefits, other than pension-related costs).

Pension-related costs for the identified personnel changes will be recognized in the state's annual required pension contribution as of FY 14.

Sources: Core-CT Financial Accounting System

OLR Bill Analysis**HB 6313*****AN ACT CONCERNING INTENSIVE PROBATION SUPERVISION.*****SUMMARY:**

This bill expands the responsibilities of probation officers. Under the bill, probation officers:

1. must provide intensive pretrial supervision services when the court orders them to do so,
2. must complete alternative sentencing plans for people who enter a plea agreement with a prison term of up to two years when the court orders them to do so, and
3. may evaluate and develop a community release plan for people sentenced to up to two years who have (a) served at least 90 days in prison and (b) complied with Department of Correction prison rules and necessary treatment programs.

The bill requires the Judicial Branch's Court Support Services Division to develop guidelines for probation officers performing these functions.

If the officer develops a community release plan for an offender under the bill, the officer must apply for a sentence modification hearing. By law, the sentencing court can, if it finds good cause after holding a sentence modification hearing, (1) reduce a person's sentence, (2) discharge the defendant, or (3) discharge the defendant on probation or conditional discharge for a period up to the time the defendant could have been originally sentenced.

EFFECTIVE DATE: April 1, 2011

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 34 Nay 0 (03/11/2011)